



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	121A	Manual Of Requirements For Adoption Agencies	11/3/2008
Subchapter:	3	Administration	
Section	3	Legal responsibilities (N.J.A.C. 10:121A-3.3)	

§10:121A-3.3 Legal responsibilities

(a) An agency shall be authorized to place children for adoption, accept relinquishment of parental rights, receive custody and/or guardianship of a child and have the right to consent to adoption. An agency that takes custody or guardianship of the child shall also be legally responsible for the child under care or guardianship until the adoption is finalized or until the child's custody and care or guardianship is transferred to another certified agency or person.

(b) When an agency transfers a child, the agency shall document the reasons for such action in the case record and shall verify that the second agency to which the child is being transferred is licensed, certified, or approved in the state where it is based.

(c) A New Jersey-certified agency may provide services for an out-of-State agency only if:

1. The New Jersey-certified agency verifies that the out-of-State agency is licensed, certified or approved in the state where the agency's principal office is located and is a non-profit agency if it places children in New Jersey for adoption or placing a child in a state other than New Jersey;
2. Both agencies execute a written cooperative agreement that has been approved by the Office of Licensing; and
3. Both agencies develop a written plan that:
 - i. Defines financial and social work responsibilities before, during and after the placement of each child;
 - ii. States that the out-of-State agency shall be financially responsible for any child placed in New Jersey until and unless the child's adoption has been finalized or the child has reached the age of majority or been removed from New Jersey. This requirement shall not affect an out-of-State agency's responsibility for providing

subsidy payments to the child subsequent to finalization of the adoption or to the child's reaching the age of majority; or an out-of-State agency's voluntary agreement to assume financial responsibility after finalization of the adoption or until the child's reaching the age of majority; and

iii. States that the New Jersey-certified agency shall be financially responsible for any child placed in a state other than New Jersey until and unless the child's adoption has been finalized or the child has reached the age of majority or has been removed from that state. This requirement shall not affect the New Jersey-certified agency's responsibility for providing subsidy payments to the child subsequent to finalization of the adoption or to the child's reaching the age of